



King County  
Department of Development  
and Environmental Services

900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219

## **Temporary Use Permit** **Report and Decision**

### **GENERAL INFORMATION:**

File: B04M2830

Applicant: Share/Wheel  
P.O. Box 2548  
Seattle WA 98111  
Scott Morrow (206) 448-7889 & (206) 517-9011

Sponsor: St. John Vianney Catholic Church  
12600 84<sup>th</sup> Avenue NE  
Kirkland WA 98034  
Fr. Kevin Duggan (425) 823-0787

Location: 12600 84<sup>th</sup> Avenue NE  
STR: 30-26-05  
Parcel: 302605-9255

Zoning: R-4-SO, R-6-SO & R-8-SO

Activity: A temporary tent shelter encampment of homeless people, commonly known as Tent City 4 or TC4, is occupying land at St. John Vianney Church on Finn Hill since November 20, 2004 through January 19, 2005 under 2004 TUP number B04M2437 issued by the Department on December 8, 2004. TC4 is accommodating approximately 55 homeless people currently (a maximum accommodation for 100 homeless people is the subject of this request). TC4 is planning a continuous stay at this location for 32 more days beginning January 20, 2005. Site improvements include small individual tents for

personal shelter plus several larger tents used for material supplies and food storage. Portable restroom, shower and laundry facilities will continue operation at the site also. TC4 and sponsor SHARE/WHEEL pledge to continue abiding by a written code of conduct and rules of operation, unchanged from rules in effect during the 2004 permit.

Community pledges of support in many forms will continue as part of this 2005 request. Linn Mathews continues as General Coordinator of the Human Services Committee overseeing all committee activities in support of TC4. There are now ten committees serving as volunteers working around the clock every day to make this enterprise work smoothly. A new web-site has been created to serve as a central information base concerning tent city, [www.eastsidecares.org](http://www.eastsidecares.org). This site includes a link to the City of Bellevue which describes the permit process for temporary uses in that city.

The Security Committee Chaired by Dave Thompson and thirty volunteers provide neighborhood watch support along with TC4 members. The job of this committee is to patrol public streets in an approximate two-block area around SJV & TC4 on a half hourly basis continuously. A subcommittee of seven is on call to assist with transporting unqualified persons from the campsite to connecting Metro Bus stations in the area. Two individuals have been transported without incident away from the site for cause to the Kenmore Metro bus transfer station. Private security will be continued by SJV between the hours of 3:00 and 6:00 PM

Margie Berard supervises Communications. All parties are informed through newsletters, press contacts and the new eastsidecares web-site, see above.

The Meals Committee, staffed with sixty site helpers and thirty area churches, provide a warm evening meal to camp residents. In addition, lunch materials are prepared and provided for those leaving the site each day.

The Transportation Committee of fourteen people give rides for odd hour appointments and weekends when Metro bus service is low. There are regular van schedules between the Kenmore Metro Park & Ride and SJV during evening hours and week ends. Others are on-call for special events and emergencies.

The Supplies Committee help determine camp needs and match needs with available supplies and donations from area churches and supporting organizations. Kathi Rowley and Linda Thompson head this group.

The Laundry Services Committee supervised by Dave Mathews is coordinating with The Overall Laundry Company of Everett to manage the weekly needs of TC4. Mostly this committee transports laundry on Monday to Overall and retrieves clean supplies the same day. An on-site laundry allows for routine maintenance of smaller personal items.

The Shower Committee with Ken Goodwin and eight volunteers moved the portable shower to SJV from Woodinville. This committee made the physical connections to potable water supplies and proper disposal of grey-water.

The Health Committee under Susan Dailey and two volunteers coordinate with other providers in the area of health educational seminars and literature to TC4 residents. They help coordinate a Saturday doctors' medical information service and work with Lake Washington Vo-tech dental services. In addition, men's haircuts and woman's hair treatments are available regularly. Qualified professionals provided flu vaccine, (shots and nasal spray) to those campers who are at greatest risk.

## **FINDINGS, CONCLUSION AND DECISION**

Having reviewed the entire application file, including the body of correspondence and other documents entered into the record, and after considering the Zoning Code (Title 21A.32) requirements for a Temporary Use Permit, the Director makes and enters the following:

### **FINDINGS:**

#### **A. Background/History:**

1. Tent City 4 (TC4) was located at St. John Vianney Church (SJV) on November 20, 2004. That occupation continued through January 19, 2005 under TUP B04M2437. Permit B04M2437 was the one and only Temporary Use requested by St. John Vianney during 2004. It was the first temporary homeless encampment sponsored by Seattle Housing and Resource Effort & Woman's Housing Equality and Enhancement League (SHARE/WHEEL) in unincorporated King County. Previous settlements outside the City of Seattle and sponsored by SHARE/WHEEL in northeast King County were in Shoreline (Shoreline Free Methodist Church), Bothell (St. Brendan Parish) and Woodinville (city owned future park site). Reports and decisions regarding these earlier encampments are contained in permit file B04M2437. That information is part of the total public record regarding Tent City's homeless encampment at St. Jon Vianney and is used in this application by reference.
2. The City of Shoreline issued an administrative Temporary Use Permit decision allowing the SHARE/WHEEL to establish a homeless encampment in that city from April 20, 2003 to June 22, 2003.
3. The City of Bothell issued a Special Conditional Use Permit July 19, 2004 granted SHARE/WHEEL the right to have a temporary homeless encampment for 90 days at St. Brendan Parish beginning May 17, 2004 through August 15, 2004. The encampment had been at St. Brendan Parish since May 17, 2004 without permit.
4. Woodinville entered into agreement with SHARE/WHEEL and Northshore United Church of Christ on August 25, 2004 allowing a homeless encampment on city owned property. The encampment had been at the city location beginning August 14, 2004 having moved from St. Brendan Parish. A business organization appealed the Woodinville's TUP decision regarding the adequacy of a SEPA determination of non-significance among several other issues. Following a public hearing held by the Woodinville Hearing Examiner on September 30, 2004, the SEPA appeal was denied. SHARE/WHEEL was granted a TUP to occupy the Woodinville site until November 22, 2004.

5. Formation of a King County Citizens' Advisory Commission on Homeless Encampments (CACHE) began a review of the homelessness problem in King County on June 17, 2004 under King County Ordinance number 14922. CACHE citizen members were asked to explore four specific topics (see below) related to homeless encampments in King County.
  - A. "A needs assessment for homeless encampments, including an analysis of homeless shelters in King County and the date and time when demand for shelters have exceeded available space
  - B. "Policy and procedural guidelines for determining the location of future homeless encampments
  - C. "Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on public land in King County.
  - D. "Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on private land in King County."
6. The Commission's Final Report to the King County is dated August 13, 2004. Three appointed members presented a Dissenting Report on August 15, 2004. The Dissenting Report objects to not only much of the majority's final CACHE recommendation but to the process, claimed for failing to achieve balanced views. CACHE members recorded votes on fifteen of seventeen topics. After finding that thousands of people in King County spend each day and night without any shelter, a majority of members voted to support homeless encampments (tent cities) as a more preferable alternative to current "fending for oneself alone out doors" circumstance. CACHE found consensus in the following points:
  - A. "The scope of homelessness and its causes are large and complex
  - B. "There is not enough affordable housing that is accessible to people who are homeless in King County
  - C. "Shelter without needed treatment and supportive services is an insufficient response to homelessness
  - D. "Shelter should be short-term stepping point to permanent housing
  - E. "Tent cities will not solve or end homelessness"
7. Policy and procedural guidelines for determining future homeless encampment locations was a topic deferred to others (not specified) designated with responsibility for these matters. Most other topics discussed and voted upon by CACHE deal with specific requirements and conditions by which homeless encampments can be sponsored and established. Except on public lands where a formal process of public input is recommended before establishing an

encampment, no other recommendations concerning what process local government must use to approve a homeless encampment have been offered.

8. The CACHE report, Ordinance No. 14922, and the Dissenting Report are all part of the public file record for this matter. The report's content and recommendations were used extensively in this decision.

B. Existing Conditions:

1. The subject TUP application, including a site map and supporting materials, was received on December 15, 2004. DDES sent the applicant a letter declaring the application complete on December 15, 2004
2. Tent City 4 (TC4) lies between the St. John Vianney Chapel and 84<sup>th</sup> Avenue NE. on church property. No tenting or facility changes are planned from the current location. Church grounds extend from 84<sup>th</sup> Avenue NE on the west to approximately 86<sup>th</sup> Avenue NE (if extended north) along the east side. The approximate north and south boundaries of church property would parallel NE 127<sup>th</sup> Street and NE 125<sup>th</sup> Place (if extended).
2. Single detached residential subdivisions adjoin the subject property on three other sides not facing 84<sup>th</sup> Avenue NE.
3. SJV Church has two access driveways from 84<sup>th</sup> Avenue NE. King County has designated 84<sup>th</sup> Avenue as a Collector Arterial. The primary church access and parking areas extend from the northerly access driveway. Site landscape features adjoin the boundaries of the church grounds. TC4 is located approximately several hundred feet from the nearest residences on the North but only one hundred feet or less to a residence to the South. The church building is lying between residences to the East and TC4.
4. The Lake Washington School District operates elementary and middle schools near SJV. Carl Sandberg Elementary School is located approximately 500 feet north of the homeless encampment on the opposite side of 84<sup>th</sup> Avenue NE. The Finn Hill Junior High School is further north and on the West side of 84<sup>th</sup> Avenue NE. School district officials say there have been no intrusion or vandalism incidents to report at either school. The district has hired extra security during school hours and for evening events. Additional volunteers have been added to playgrounds staff during recess and at intersections as flaggers.
5. King County/Metro operates three weekday transit routes on 84<sup>th</sup> Avenue NE near the TC4 site. Route 260 is an express bus to Seattle downtown mornings and downtown Seattle to Finn Hill in the late afternoon. Three busses leave the vicinity of

TC4 between 6:12 and 7:14 AM toward downtown. The return run in the late afternoon begins at 4:06 with the last bus at 5:10 PM. Two other routes, 234 and 935 operate between Finn Hill and downtown Bellevue (234) and Kingsgate/Totem Lake (935) or Kenmore roughly between 6:00 AM and 7:30 PM. Check route schedules for exact stops and times.

6. There have been a few cars and one van driven on and off the TC4 site by homeless residents according to Linn Mathews, General Coordinator of Human Services Committees. TC4 has not been a large traffic generator from residents but volunteers and suppliers have added some traffic volume to this neighborhood.
7. Police calls to the TC4 operation have not been reported since opening operations November 20, 2004. The private security firm at SJV claims that there have been no incidents to report based on their periodic conversations with County police.
8. A code violation complaint against the 2004 encampment was received November 20, 2004, (the day TC4 moved to SJV). King County Code Enforcement opened a code enforcement action Monday, November 22, 2004, (E0401041) regarding occupancy of SJV property by TC4 without a proper permit. The property owner was given until December 8, 2004 to obtain a TUP. King County issued a TUP to TC 4 on December 8, 2004. That code violation action is being held in abeyance while TC 4 operates under legal TUP authorization.

C. Public Input:

1. Public notice of the 2005 request was mailed to adjoining property owners within 500 feet of the subject property on December 17, 2004. The applicant's signed affidavit of posting of that notice was returned to King County and placed in the subject file on January 4, 2005. The affidavit states that the notice was posted at 12600 84<sup>th</sup> Avenue NE on December 30, 2004. In addition to the 500-foot radius mailing, notice appeared in two newspapers, The King County Journal and Seattle Times both published December 20, 2004 and have returned affidavits.
2. The 21-day public comment period ended on January 10, 2005. The public response to TC4's 2005 request has been far less voluminous in comparison to that received for the 2004 request. A few dozen e-mail messages and seven letters is a complete list of the correspondence. These submittals have been reviewed and are being preserved as part of the official public record on this matter. The 2005 correspondence is very similar in emotional tone and content to that received in 2004. All correspondence is being considered.

D. Relevant Code Sections:

***Chapter 21A.32***

**GENERAL PROVISIONS**  
**NONCONFORMANCE, TEMPORARY USES, AND REUSE OF FACILITIES**

**21A.32.010 Purpose.** *The purposes of this chapter are to:*

*B. Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use.*

Comment: Sheltering temporary homeless in Tent City 4 is not a permitted use under King County Code, Chapter 21A.

**21A.32.100 Temporary use permits - Uses requiring permits.** *Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required for:*

*A. Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency; or*

*B. Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. (Ord. 10870 § 547, 1993).*

Comment: An application for a Temporary Use Permit to locate a Tent City at SJV on Finn Hill was received on December 15, 2004. The application was determined to be complete on December 15, 2004.

**21A.32.120 Temporary use permits - Duration and frequency.** *Temporary use permits shall be limited in duration and frequency as follows:*

*A. The temporary use permit shall be effective for no more than 180 days from the date of the first event;*

*B. The temporary use shall not exceed a total of 60 days, provided that this requirement applies only to the days that the event(s) actually take place;*

*C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and*

*D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year provided that a temporary use permit may be granted for multiple events during the approval period. (Ord. 10870 § 549, 1993).*

Comment: The subject application is requesting approval of the Temporary Use Permit for 32 days in 2005. King County is limited to granting a maximum of 60 use days within a total 180-day period in any given Temporary Use Permit per calendar year. The

applicant's request is less than the maximum number of possible days, however, it is not possible under this application to extend the number of days beyond the 30 days requested. In addition, temporary uses for homeless encampments would not be permitted again during 2005 at SJV Church.

**21A.32.130 Temporary use permits - Parking.** *Parking and access for proposed temporary uses shall be approved by the county. (Ord. 10870 § 550, 1993).*

Comment: The sponsoring entity, SJV Church, reports that no more than a few cars are involved with Tent City residents. These vehicles usually make one trip to and from Tent City daily. Access to Tent City is from 84<sup>th</sup> Avenue NE over the primary driveway serving SJV Church.

**21A.32.140 Temporary use permits - Traffic control.** *The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the King County department of public safety. (Ord. 10870 § 551, 1993).*

Comment: Community volunteers and Tent City residents patrol the area half hourly, 24 hours a day. Because of low traffic volumes, the applicant has not raised this point and does not anticipate any traffic control problems.

## **Chapter 21A.42 REVIEW PROCEDURES/NOTICE REQUIREMENTS**

**21A.42.030 Code compliance review - Decisions and appeals.**

*A. The department shall approve, approve with conditions, or deny permits based on compliance with this title and any other development conditions affecting the proposal.*

*B. Decisions on temporary use permits may be appealed to the zoning and subdivision examiner. (Ord. 10870 § 611, 1993).*

Comment: The Department is following review procedures as specified herein.

**Chapter 21A.44  
DECISION CRITERIA**

***Decision Criteria Temporary Use Permit 21A.44.020.*** *The County shall grant a temporary use permit, only if the applicant demonstrates that:*

- A. The proposed temporary use will not be materially detrimental to the public welfare;*
- B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;*
- C. The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;*
- D. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and*
- E. The proposed temporary use is not otherwise permitted in the zone in which it is proposed. (Ord. 10870 § 623, 1993).*

Comment: All criteria noted above are applicable to this request except "C."

**CONCLUSIONS:**

1. Arguments in opposition and in favor of this Temporary Use permit are similar to those made previously. Those opposing this request again fail to provide foundational evidence supporting assertions concerning problems. Direct and indirect reports from local officials claim that camp operations have been without incident.
2. Concerning children safety and the potential threat posed by Tent City 4, no evidence exists in the record suggesting area children or others are facing safety risk from this temporary use. The Lake Washington School District has not experienced any problems associated with this TC 4 operation. Security measures in place designed to protect public safety on adjacent local streets and at nearby schools appear to be successful. The safety record during the 2004 permit time period has been clear. Predictions by some that TC 4 would have dire consequences have been unsubstantiated.

3. Evicting Tent City 4's from SJV Church at this point will not help or further the discussion for resolving a large homeless problem in King County. It will cause in this case many temporarily homeless people to be without community support they need to scrape by with the bare essentials of living while attempting to get beyond their homelessness. Recommendations of the CACHE Committee are beginning to address the plight of the homeless and underprivileged population. Addressing these issues is a longer-term process and does not involve the daily routine of SHARE/WHEEL and Eastside Tent City activities.
4. General allegations that homeless people are mentally ill, use drugs and alcohol and would rather choose to live a nomadic life style than work are unsupported with specific studies or facts pertaining to the existing population at Tent City 4. This issue was researched and resolved previously. There is no change in the County's position on this matter.
5. Public transportation is not available on Finn Hill after 7:30 PM or on weekends. Eastside Cares, a coalition of many Eastside support service providers has formed eight committees to handle the full range of potential problems associated with living in tents on Finn Hill. This includes providing transportation during hours when public transit is unavailable. This organization, slowly building from community to community, anticipates residents' needs and issues before they become a problem. When a person is identified as undesirable or just needs a ride during the time public transportation is not available, the committee (Transportation) steps up and delivers the necessary ride. If a security issue is involved, the on-site security force takes charge. If local police are the most appropriate solution, Tent City 4 personnel call 911. Rules and procedures are already in place for handling these situations. This system of voluntary transportation assistance has been shown to work effectively. Therefore, the expectation is it will continue to operate smoothly during the 2005 32-day operation.
6. The 2005 version of Tent City 4 is a homeless population on Finn Hill with adequate voluntary support resources ministering to their needs.
7. Existing Tent City 4, as first established on November 20, 2004, is not materially detrimental or injurious to the public welfare or property owners and people living on Finn Hill. Therefore, the subject request seeking a Temporary Use Permit at SJV Church on Fill Hill should be granted for a period of 32 days beginning January 20, 2005 and ending February 20, 2005.
8. Having met the necessary qualifying requirements of Chapter 21A.44 for issuance of a Temporary Use Permit, as properly conditioned below, including the continuation of the Eastside Care support services, the existing Tent City 4 temporary use should be continued for an additional 32 days in 2005.



DECISION:

**APPROVE the proposed TUP** for 32 days at the SJV Church site from January 20, 2005 to February 20, 2005. The following conditions shall apply:

1. The applicant shall continue providing all of the Eastside Cares services to Tent City 4 residents through the system of committees as described by their General Coordinator.
2. The maximum number of residents shall be determined taking into consideration site conditions, but in no case shall be greater than 100 at any one time.
3. The space must be sufficient to accommodate tents and necessary on-site facilities, sanitary portable toilets in the number required to meet capacity guidelines, hand washing stations by the toilets and by the food area, refuse receptacles, food tent and security tent.
4. The encampment must be within a quarter mile of a bus stop with seven day per week bus service available, or the sponsor must demonstrate ability for residents to obtain access to the nearest public transportation stop. The applicant can meet this burden through a combination of public and private alternatives.
5. The encampment site must provide suitable buffers from surrounding properties:
  - A. A minimum 20-foot setback in each direction from the boundary of the lot on which the encampment is located, excluding access, and either:
  - B. Established vegetation sufficiently dense to obscure view; or
  - C. A six foot high, view-obscuring fabric fence.
7. Children under the age of 18 shall not be permitted to stay overnight in the temporary emergency homeless encampment except under exigent circumstances. If a child under the age of 18, either alone or accompanied by a parent or guardian attempts to stay overnight, SHARE/WHEEL will immediately contact Child Protective Services and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).
8. SHARE/WHEEL shall keep a log of all people who stay overnight in the encampment, including names and dates. Logs shall be kept for a minimum of six months.
9. SHARE/WHEEL shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card,

military identification or passport from prospective and existing temporary emergency homeless encampment residents.

10. SHARE/WHEEL shall use identification to obtain sex offender and warrant checks from the King County Sheriff's Office or relevant local police department. If said warrant and sex offender checks reveal either (a) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (b) the subject of the check is a sex offender, required to register with the County Sheriff of their county of residence pursuant to RCW 9A.44.130, then SHARE/WHEEL will reject the subject of the check for residency to Tent City 4 or eject the subject of the check if that person is already a Tent City 4 resident.
11. SHARE/WHEEL shall immediately contact the King County Sheriff's Office or relevant local city police if the reason for rejection or ejection of an individual from Tent City 4 is an active warrant or a match on the sex offender check, or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community.
12. SHARE/WHEEL shall permit access to the site at all times for the King County Sheriff's Office or relevant city police department. Camp leadership and security shall become familiar with duty officers and shall be free to discuss security issues and concerns with them.
13. SHARE/WHEEL shall maintain and enforce a strict code of conduct, and shall have a system for ensuring that all prospective residents know and have signed this code prior to establishing residency in the encampment:
  - A. No alcohol.
  - B. No illegal drugs.
  - C. No weapons.
  - D. Knives over 3 ½ inches shall be turned into SHARE/WHEEL for safekeeping.
  - E. No open flames.
  - F. No trespassing onto private property.
  - G. No loitering in the host neighborhood.
  - H. No disturbing neighbors.
  - I. No verbal abuse, intimidating remarks, yelling or degrading remarks against members of the sponsoring agency, or neighborhood.
  - J. No littering in the encampment or in the host neighborhood.

14. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to.
15. No permanent structures shall be erected on the site of the temporary emergency homeless encampment.
16. The site shall be left in good condition upon completion of stay.
17. Permit inspections of the encampment may be conducted by the Fire District without prior notice. SHARE/WHEEL shall implement all directives of the Fire District within 48 hours.
18. SHARE/WHEEL will permit inspections of its encampments by Public Health-Seattle and King County without prior notice. SHARE/WHEEL will implement all directives of Seattle-King County Department of Public Health (Public Health) within the time specified by Public Health. SHARE/WHEEL will pay particular attention to assuring that Public Health guidelines on food donations, handling, and storage (including proper temperature control) are followed, and have a system for ensuring that encampment residents involved in food donations and storage are made aware of these guidelines. When Public Health asks to address encampment residents and leadership to communicate directives and recommendations, SHARE/WHEEL will organize such an opportunity in the time period specified by Public Health.
19. Permit inspections of the encampment by county staff may be made at reasonable times without prior notice for assessing compliance with the terms of the permit.
20. A regular trash patrol in the immediate vicinity of the permit area shall be provided.
21. King County is not responsible for the actions, inactions or omissions of SHARE/WHEEL, the sponsoring agency or of any resident of the emergency homeless encampment. All residents shall sign a statement at registration acknowledging the residents' willingness to comply with the Code of Conduct, and agreeing not to bring a claim or action against the county for injuries or occurrences happening within or around the emergency encampment, irrespective of fault or negligence.

22. If SHARE/WHEEL and its Executive Committee fail to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of use. If King County learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and SHARE/WHEEL has not adequately addressed the situation, the permit may be immediately terminated.

Ordered this 19 Day of January, 2005

Stephanie Warden  
Director, Department of Development and Environmental Services

TRANSMITTED by US Mail or E-Mail to Parties and Persons of Interest listed in Attachment A.

Note: Signed copies will be sent by US Mail only.

Attachments:

Attachment A - Persons of Interest/Parties  
Attachment B - Right to Appeal

ATTACHMENT A - Person of Interest/Parties

**Mailing List:**

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**ATTACHMENT B**  
**Right to Appeal**

This decision may be appealed. All appeals, notices and statements, must be in writing and addressed to the King County Hearing Examiner accompanied by a fee of \$250 (KCC 20.24.450). The check shall be made payable to King County Office of Finance.

Pursuant to KCC 20.24.090, the appeal period shall be fourteen calendar days (14) commencing on the third day after the mailing of the notice of decision. In cases where the decision is combined with a SEPA determination, also appealable, the combined appeal period shall extend for an additional seven calendar days (7). Notices of appeal must be received within the prescribed appeal period.

In addition, appellants shall file statements of appeal (arguments) **within twenty-one calendar days (21) from the commencement of the appeal period**. Statements may be filed simultaneously with the notice of appeal, or separately. Statements of appeal shall identify the appealed decision (including file number) and the alleged errors in that decision. Further, statements of appeal shall indicate: 1) specific reasons why the decision should be reversed or modified; and 2) the harm suffered or anticipated by the appellant, and relief sought. The scope of an appeal shall be based principally on matters or issues raised in the statement of appeal. **Failure to file a timely notice of appeal, appeal fee, or statement of appeal deprives the Examiner of jurisdiction to consider the appeal.**

Filing requires actual delivery to the King County Building Services Division prior to the close of business (4:30 p.m.) on the date due, and a copy must be provided to the Office of the Hearing Examiner. Prior mailing is not sufficient if actual receipt by the Division does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Division is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Notices of appeal, fees and statements of appeal shall be submitted to the Department of Development and Environmental Services, addressed as follows:

Temporary Use Permit Appeal  
Building Services Division  
Department of Development and Environmental Services  
900 Oakesdale Ave SW  
Renton, WA 98055-1219